



December 3, 2009

Ridge Protectors, Inc.
Attn: Mr. Paul Brouha
92 Queen Elizabeth Farm Lane
Sutton, Vermont 05867
tel. (802) 467-3460

RE: Jurisdictional Opinion #7-270
Transportation Plan Component of the Sheffield Wind Project
(Including Maintenance, Improvements, and Use of Duck Pond Road
and New Duck Pond Road)

Dear Mr. Brouha,

This letter is a jurisdictional opinion issued pursuant to the provisions of 10 V.S.A. 6007(c) and Act 250 Rule 3, in response to your request on behalf of Ridge Protectors, Inc. This opinion is also being issued to other known potentially interested persons and entities as indicated on the attached certificate of service. The evaluated "project" is generally described as the transportation plan component (including maintenance, improvements, and use of Duck Pond Road and New Duck Pond Road) of the Sheffield Wind Project. It is noted that the Sheffield Wind Project is a wind electric generation facility including turbines and associated transmission and interconnection facilities.

STATEMENT OF FACTS:

1. On August 8, 2007, the State of Vermont Public Service Board ("Board") issued an amended Certificate of Public Good ("CPG") conditionally approving construction of a wind generation facility by Vermont Wind, LLC ("Vermont Wind"). It is noted that Vermont Wind is also identified as UPC Vermont Wind, LLC ("UPC").
2. The August 8, 2007 CPG includes the following conditions:
 21. *UPC shall develop and file with the Board a transportation plan for transport of project components and access by construction vehicles. The plan will be subject to review and comment by parties with standing on the issue and must be approved by the Board prior to the commencement of any significant vehicular traffic to the site and transport of any project components. In developing its plan, UPC shall account for traffic control and insure unimpeded emergency vehicle access to all areas of the town and village of Barton at all times. UPC's plan must also address transport of turbine components and construction vehicles through Barton town and village streets and roads in a manner*

that avoids undue disruption of municipal services, local businesses and travelers during times of expected increased traffic flows, such as rush hours, holiday periods, and municipal events.

22. *UPC shall, to the extent commercially practicable, route construction and maintenance traffic in a manner that avoids the streets in the town and village of Barton, for example, by accessing New Duck Pond Road from the south via Route 5.*
3. On October 10, 2008, Vermont Wind, LLC submitted a transportation plan to the Board pursuant to conditions 21 and 22 of the CPG. The submitted transportation plan includes maintenance, improvements, and use of Duck Pond Road and New Duck Pond Road.
4. On November 13, 2008 project opponent Ridge Protectors, Inc. (RPI) filed a letter contending that the October 10, 2008 compliance filings submitted by Vermont Wind, LLC were insufficient.
5. On December 1, 2008, Vermont Wind, LLC submitted supplemental information regarding the environmental impacts associated with road improvements along the transportation route for the project.
6. On January 28, 2009, the Board issued an Order regarding Vermont Wind, LLC's compliance filings. The January 28, 2009 Order concludes, in pertinent part that "Vermont Wind'sfilings adequately address the August 8, 2007, CPG conditions21 and 22....RPW's request for discovery and hearings on Vermont Wind's compliance filings is denied."

APPLICABLE LAWS

Under Act 250, regulated "development" does not include the "construction of improvements for an electric generation or transmission facility that requires a certificate of public good under 30 V.S.A. § 248, a natural gas facility as defined in 30 V.S.A. § 248(a)(3), or a telecommunications facility issued a certificate of public good under 30 V.S.A. § 248a." (§6001(3)(D)(ii)).

ANALYSIS AND CONCLUSIONS

The transportation plan component of the Sheffield Wind Project (including maintenance, improvements, and use of Duck Pond Road and New Duck Pond Road) is part of the Sheffield Wind Project subject to regulation by the State of Vermont Public Service Board, and is not a "development" subject to Act 250 jurisdiction pursuant to §6001(3)(D)(ii). An Act 250 permit is not required for the Sheffield Wind Project transportation plan.

Sincerely,

/s/ Kirsten Sultan

Kirsten Sultan, P.E., Coordinator
District #7 Environmental Commission

c: Certificate of Service

This is a jurisdictional opinion issued pursuant to 10 V.S.A. § 6007(c) and Act 250 Rule 3(A). Reconsideration requests are governed by Act 250 Rule 3(B) and should be directed to the district coordinator at the above address. Any appeal of this decision must be filed with the clerk of the Environmental Court within 30 days of the date of issuance, pursuant to 10 V.S.A. Chapter 220.

The appellant must serve a copy of the Notice of Appeal on the Natural Resources Board, National Life Records Ctr. Bldg., Drawer 20, Montpelier, VT, 05620-3201, and on other parties in accordance with Rule 5(b)(4)(B) of the VRECP. For further information, see the Vermont Rules for Environmental Court Proceedings, available on line at www.vermontjudiciary.org. The address for the Environmental Court is: Environmental Court, 2418 Airport Rd., Suite 1, Barre, VT 05641-8701. (Tel. # 802-828-1660).